

15 December 1954

MEMORANDUM FOR THE RECORD

SUBJECT : Conference with Regard to Publication of the Opinions of General Counsel

REFERENCE: Memo to Senior Officials from OGC dated 13 Dec. 1954, subject as above.

1. Referenced memorandum convened subject conference this date. The undersigned attended as representative of the IG. The following explanations and decisions were the substance of the conference:

a. The opinions to be published will be those which, in the opinion of the General Counsel, are of interest generally because they involve situations which may arise in a number of components. Periodically, General Counsel will review the opinions it has rendered and select those which seem to meet the criteria of general interest. Where the fact situation involves a DD/P employee or component, DD/P will be consulted prior to issuance.

b. It was agreed that it would be helpful to recipients to alter the proposed format by separating the statement of "facts" from the body of the opinion. The opinions will be presented in distinct sub-sections labelled "facts," "applicable law or regulations," "discussion," and "opinion."

c. Initially, distribution will be to administrative and executive designees or components at the office, area division, senior staff, or DD/A functional division level. Seventy-five copies will be released initially. Between 10 and 15 opinions per month can be expected at first. The anticipated delay between the writing of an opinion and its delivery to distributees is six weeks, but the office requesting the opinion will receive it as soon as it is written.

d. It was felt that there might be some problems arising from sterilization if some recipients attempted to get additional facts based on a guess as to which component or employee was the real component or employee disguised in the opinion. If this becomes a problem, OGC will take steps to assure that all questions concerning opinions will initially be directed to and answered only by OGC.

e. OGC will announce the initiation of its printed opinion program by a memorandum to initial distributees pointing out the reasons for publishing the opinions and the limitations of their effect. Concurrently, and by CIA Notice, a group larger than the 75 original distributees (down to branch and section chiefs) will be advised that OGC opinions are being published and made available to senior components. Finally, each copy of each opinion will contain a caveat that the opinion supplements and does not take the place of the Public Law, Agency Regulation, or other such material which it seeks to interpret.

f. It was agreed that distributees should be allowed to work out their own system for filing these opinions and that there should be no requirement that the opinions be compiled in a binder by recipients nor treated as controlled documents except for OCD's record as to initial recipients. To assist in relating opinions to each other and to Agency Regulations, any opinion bearing upon another opinion will note that fact and the Agency Regulation involved, if any, will be noted in a separate block.

g. No opinions will be classified higher than secret.

2. All present agreed that the proposed publication of OGC opinions was a major step forward and would assist in building that body of administrative experience for the lack of which many Agency administrators and supervisors are now operating in somewhat of a vacuum. It was suggested that, after the OGC opinions had been available long enough to provide some experience as to their usefulness, other Agency administrative offices with recurrent problems involving interpretation (e.g., Medical and Finance) might consider similar publication.

STAT

Attachment
Ref. memo